

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

**U.S. Pastor Council**, et al.,  
Plaintiffs,

v.

**Equal Employment Opportunity  
Commission**, et al.,  
Defendants.

Case No. 4:18-cv-00824-O

**MOTION FOR SUMMARY JUDGMENT AND PERMANENT  
INJUNCTION**

Plaintiffs Bear Creek Bible Church and Braidwood Management Inc. respectfully move for summary judgment and a classwide permanent injunction against the enforcement of the EEOC's guidance documents that purport to outlaw discrimination on account of sexual orientation and gender identity. The accompanying brief sets forth our arguments and authorities.

**SUMMARY**

There are five claims on which Plaintiffs are entitled to relief. In accordance with Local Rule 56.3(a), the elements are stated here and detailed in the brief accompanying this motion.

1. Religious Freedom Restoration Act: Plaintiffs assert that (1) their religious exercise has been substantially burdened and (2) the government cannot show a compelling governmental interest to justify the infringement.
2. First Amendment Free Exercise: Plaintiffs assert that (1) the government has infringed on religious exercise, (2) by means of a regulation that is not

neutral, (3) and lacks a compelling governmental interest to justify the infringement.

3. First Amendment Freedom of Association: Plaintiffs assert that (1) the government has infringed on their expressive association, (2) without compelling governmental interest to justify the infringement.
4. Statutory Right to Differentiate: Title VII does not prohibit sex-neutral regulations on employees even if they result in refusal to hire bisexual individuals.
5. Statutory Right to Regulate: Title VII does not prohibit sex-neutral regulations on employees' conduct even if they lead to a disparate impact based on sexual orientation or professed gender identity.

Respectfully submitted.

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### CERTIFICATE OF SERVICE

I certify that on May 24, 2021, I served this document through CM/ECF upon:

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